

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN FLOYD VOSS,)	3:08-CV-342-BES (RAM)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	August 28, 2009
)	
MEGAN McCLELLAN, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

DEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff has filed a Motion to Quash Order Granting the Defendants' Oral Motion for Leave to Depose Defendant (Doc. #110). The court does not need an Opposition in order to decide this Motion.

The Federal Rules of Civil Procedure require an order of the court prior to the taking of the deposition of an incarcerated person. The court routinely grants motions by the Defendants to depose the Plaintiffs in prisoner litigation. When doing so the court attempts to level the playing field by requiring the Defendants to provide a copy of the deposition transcript to the Plaintiff at the Defendants' expense. Had Defendants filed a written Motion in this case to take the Plaintiff's deposition, and even if the Plaintiff had filed a written Opposition to the Motion, the court is relatively certain that the Motion would have been granted and the Defendants would have been allowed to depose the Plaintiff and provide the Plaintiff a copy of the deposition transcript at Defendants' expense.

When counsel for Defendants made the oral motion for leave to depose the Plaintiff it merely saved some paper and needless filings with the court.

Plaintiff's Motion to Quash Order Granting the Defendants' Oral Motion for Leave to Depose Defendant (Doc. #110) is **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk